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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,829	10/23/2003	Takashi Fujimori	P/1912-28	6332
2352 7590 03/13/2008 OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403				
EXAMINER				
PARK, JUNG H				
ART UNIT		PAPER NUMBER		
2619				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/691,829

Applicant(s)

FUJIMORI, TAKASHI

Examiner

JUNG PARK

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-7, 10, 13-34, 36, 37, and 39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7, 10, and 13-31 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5, 32-34, 36, 37, and 39 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Remark

1. This communication is considered fully responsive to the Amendment filed on 12/07/2007.
 - a. An objection to the abstract is withdrawn since it is being amended accordingly.
 - b. The rejection under 112 2nd is not withdrawn since it has not being amended accordingly.
 - c. It is note that the objected depend claim 3 is not properly incorporated into the independent claim 1 since the claim 3 was depended on claim 2, not claim 1.
 - d. New 101 non-statutory rejections applied to claims 32-34, 36, and 37.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 30 and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - a. In claim 30, does the claim 30 depend on claim 19? If it is "said relay service efficiency" in claim 30 has insufficient antecedent basis. The examiner suggests changing "19" in claim 30 to --29--.
 - b. In claim 31, does the claim 31 depend on claim 18? The examiner suggests changing "18" in claim 31 to --30--.

Applicant is advised to carefully review the claim for full compliance with 35 U.S.C. 112, second paragraph.

4. Claims 32-34, 36, and 37 are rejected under 35 USC 112 2nd. The independent claims recited "a program which causes a computer to execute procedure processing ..." is vague and indefinite because it is unclear how a program causing a computer to execute procedure. A computer program is required to have a computer-readable medium to store/record on it. Therefore, the independent claims 32-34, 36, and 37 are rejected under 112 2nd paragraph.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. The claimed invention is directed to non-statutory subject matter.
7. Claims 32-34, 36, and 37 are rejected under 35 U.S.C. 101 because the independent claims recited "a program which causes a computer to execute procedure processing ..." is directed to non-statutory subject matter. It is necessary to have a computer readable medium storing a computer program and then support in the original disclosure.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another

who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

9. Claims 1, 2, 4, 5, and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Yukie (US 2003/0036392, "Yukie").

Regarding claim 1, Yukie discloses a network control device (gateway, see 250 fig.2; 1015 fig.10), wherein a network system is formed of sub-networks having different kinds of network architectures (sub-networks, see fig.10; fig.2; fig.8), comprises:

- a relay service efficiency promoting section (gateway determining status, see 1015 fig.10 and ¶.54) which reduces physical constraints on a gate way mechanism (data to MRC can access to primary and secondary networks without making a separate connection, see 1005, 1050, & 1020 fig.10 and ¶.56) and on a procedure of the mechanism at the time of executes a service of relays a message (relaying data to MRC to primary and secondary networks, see fig.10 and ¶.56), an argument and a response in the network for the linkage of objects operating on network nodes belonging to the sub-networks (steps 1020-1045 in secondary sub-network and steps 1050-1060 in the primary sub-network in figure 10),
- the relay service efficiency promoting section having a service registry (registering , see fig.5-7 and ¶.14-16) provided on the gate way to store information (records & retrieves, see 1024 & 1050 fig.10 and also, see 530 fig.5) necessary for accessing a service on other sub-network (1045 & 1060 fig.10; also see details of registering in ¶.49-51), wherein service registries located on the plurality of sub-networks share service information autonomously with each other (terminal registers with BSs, see 220 & 225 fig.2 and ¶.25).

Regarding claim 2, Yukie discloses, "wherein the relay service efficiency promoting section has a service proxy provided on the gate way (MRC, see 1010 fig.10), the service proxy having a mechanism of relaying (1010 fig.10) and standing proxy for processing to be executed at the time of requesting processing from a service on other sub-network (mobile's request in a different sub-networks, see fig.7-8)."

Regarding claim 4, Yukie discloses, "wherein the relay service efficiency promoting section has a function of analyzing a service request and conducting message conversion on the gate way (conversion, see ¶1.26)."

Regarding claim 5, Yukie discloses, "wherein the sub-network is formed of an information system network, an operation system network, a wireless interconnect and a plurality of lines of portable apparatus interconnects (as shown in fig.3 and the related paragraphs)."

Regarding claim 39, it is a claim corresponding to claim 1 and is therefore rejected for the similar reasons set forth in the rejection of claim 1.

Allowable Subject Matter

10. Claims 7, 10, and 13-29 are allowed.
11. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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12. Claims 30 and 31 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
13. Claims 32-34, 36, and 37 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph and 101 non-statutory, set forth in this Office action.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung Park whose telephone number is 571-272-8565. The examiner can normally be reached on Mon-Fri during 6:15-3:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 571-272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Edan Orgad/
Supervisory Patent Examiner, Art Unit 2619

Jung Park
Patent Examiner

